

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 73581

William Ehinger
Sheila Ehinger

3413 McShane Way

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on April 28, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-305, 306, failure to eradicate rat harborage and rat holes under shed on residential property zoned DR 10.5 known as 3413 McShane Way, 21222.

On April 15, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jerry Chen issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 8, 2010 for removal of trash and debris from this residential property, and eradicate all rat and rat holes under and around shed. This Citation was issued on April 15, 2010.

B. Photographs in the file show multiple large rat holes around the edges of the shed in Respondents' rear yard. The property owners have not responded to the County's notices and there is no evidence that Respondents have taken appropriate action to exterminate the rats. County law requires a property owner or occupant to treat a rat infestation until the rats are eradicated. BCC Section 13-7-305. County law also requires property owners and occupants to remove and abate rat harborage, including closing rat burrows. BCC Section 13-7-306. Respondents are required to treat the rat infestation until it is abated, and then are required by law either to rat-proof or remove the shed. County Code Section 13-7-307. Periodic inspections should continue until the rat infestation is fully abated, holes and burrows are closed, and the shed is removed or rat-proofed.

C. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$50.00 (fifty dollars) if Respondents take appropriate action to exterminate the rats, and show receipts or other evidence of treatment to the County's inspector, by May 24, 2010, AND if the rat holes are filled and the shed is either rat-proofed or removed by July 1, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

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IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 5th day of May 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf